THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NOS.1531, 1582 AND 1615 OF 2005

Date: 19-09-2005

WRIT APPEAL NO.1531 OF 2005:

Between:

Kadiyala Kotaiah …Appellant

And

The District Collector and others …Respondents

WRIT APPEAL NO.1582 OF 2005

Aravapalli Sambasiva Rao …Appellant

And

The District Collector and others …Respondents

WRIT APPEAL NO.1615 OF 2005

Koya Gangadhara Rao …Appellant

And

The District Collector and others …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NOS.1531, 1582 AND 1615 OF 2005

COMMON JUDGMENT (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the appellants.

Several opportunities were given to learned Government Pleader for Revenue to file counter. He has not filed the counter. On instructions, he submits that the notice dated 06-06-2005 issued by the Mandal Revenue Officer, which has been challenged by the writ petitioners/appellants, pertains to excess lands under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. But, the notice does not identify the lands and also does not specify under what provision of law, this order has been passed and we are not shown any law, by which, the Mandal Revenue Officer can ask a person not to cultivate his land. In these circumstances, the notice issued by the Mandal Revenue Officer cannot sustain.

The orders passed by the learned Single Judge are set aside. The writ petitions are allowed and the notice issued by the Mandal Revenue Officer in ROC MS No.208/2004, dated 06-06-2005 is quashed. However, if the respondents have any genuine claim with respect to these lands, they are at liberty to take appropriate steps available in law. The learned Government Pleader submits that in the meantime, possession has been taken, which is disputed by the learned counsel for the appellants. The notice does not say anything about the possession. Therefore, if the possession has been taken by virtue of the notice that shall be restored to the appellants.

The writ appeals are accordingly allowed. No order as to costs.

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(Bilal Nazki, ACJ)

19th September, 2005

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(R.Subhash Reddy,J)

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